

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MICHAEL YOUPEE,

Defendant.

**CR-13-69-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter February 22, 2017. (Doc. 46.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 16, 2017. (Doc. 46 at 2.) Youpee admitted that he violated the conditions of his supervised release.

The violations prove serious and warrant revocation of Youpee's supervised release. Judge Johnston has recommended that the Court revoke Youpee's supervised release and commit Youpee to the custody of the Bureau of Prisons for four months. *Id.* at 4. Judge Johnston further has recommended that 32 months of supervised release follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Youpee's violations of his conditions represent a serious breach of the Court's trust. A sentence of four months custody followed by 32 months supervised release represents a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 46) is ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant James Michael Youpee be sentenced to four months custody followed by 32 months of supervised release.

DATED this 9th day of March, 2017.



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Brian Morris  
United States District Court Judge